

## Message Text

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ACTION L-03

INFO OCT-01 ARA-06 ISO-00 EB-07 COME-00 JUSE-00 CIAE-00

DODE-00 PM-04 H-02 INR-07 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 /060 W

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P 302142Z APR 76

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC PRIORITY 3022

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FOR L/PM

EO 11652 NA

TAGS: PGOV PFOR VE

SUBJ: CABINET TASK FORCE ON QUESTIONABLE PAYMENTS

ABROAD: FOREIGN LAWS ON QUESTIONABLE PAYMENTS- VENEZUELA

REF: STATE 94647

1. ANSWERS TO DEPT'S QUESTIONS FOLLOW BELOW, KEYED  
TO SUBPARAGRAPHS IN PARA 2 REF:

A. YES. IN ADDITIONA TO THE BASIC VENEZUELAN PENAL CODE,  
THERE ARE SEVERAL LAWS AND REGULATIONS WHICH MAKE IT A PUNISHABLE  
OFFENSE TO OFFER, SOLICIT OR RECEIVE MONIES OR OTHER THINGS  
OF VALUE IN ORDER TO INFLUENCE OFFICIAL ACTIONS.

B YES. THE VENEZUELAN PENAL CODE MAKES IT A CRIME TO  
TRY TO INDUCE A PUBLIC OFFICIAL TO USE HIS OFFICE FOR PRIVATE  
GAIN. WHILE GOV LAWS AND REGULATIONS DO NOT PPECIFICALLY REQUIRE  
DISCLOSURE OF PAYMENTS TO OFFICIALS SUCH DISCLOSURES WOULD BE  
TANTAMOUNT TO ADMISSION OF A CRIME. THERE IS ALSO A LAW  
WHICH REQUIRES A PUBLIC OFFICIAL TO MAKE A SWORN STATMENT  
WITHIN THIRTY DAYS OF TAKING OFFICE OF HIS  
PERSONAL ASSETS AND DEBTS. THE EMBASSY DOUBTS THAT THIS  
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REUIREMENT IS BEING FULFILLED IN PRACTICE, HOWEVER, AND

WER ARE NOT AWARE OF ANY INSTANCE IN RECENT YEARS IN WHICH THE CONTENTS OF SUCH A DECLARATION HAVE BEEN MADE PUBLIC.

C. NO. THERE ARE NO SPECIFIC LAWS OR REGULATIONS GOVERNING OR PROHIBITING THE INVOLVEMENT OF AGENTS IN SALES OR INVESTMENT TRANSACTIONS WITH THE GOV, NOR IS THERE ANY LEGAL REQUIREMENT TO DISCLOSE AGENTS FEES. HOWEVER, AS MENTIONED ABOVE, THERE ARE NUMEROUS LAWS AND REGULATIONS PROHIBITING THE GIVING OR TAKING OF BRIBES.

D. HES. VENEZUELAN LAW PROHIBITS PUBLIC ENTITIES, FOREIGN COMPANIES, FOREIGN GOVTS, AND FOREIGN POLITICAL ORGANIZATIONS FROM GIVING DONATIONS AND SUBSIDIES TO THE POLITICAL PARTIES.

E. NO. IT IS COMMONPLACE IN FACT FOR SUCH CONTRIBUTIONS TO BE CONCEALED. THE FACT THAT POLITICAL DONATIONS ARE NOT TAX DEDUCTIBLE IS ONE OF SEVERAL IEMENTS TO CONCEALMENT.

F. YES. WHILE THERE ARE NO SPECIFIC LAWS IN THE CIVIL CODE GOVERING ILLICIT INFLUENCE UPON CORPORATE DECISION MAKING, THE PENAL CODE COVERS SUCH OFFENSES AS EXTORTION, FRAUD, AND EMBEZZLEMENT.

2. EMBASSY AIRGRAM A-222 OF DEC 5, 1975, PROVIDED A BRIEF SUMMARY OF PERTINENT LAWS AND ALSO FORWARDED THE TEXTS OF SECTIONS OF VENEZUELAN LEGISLATION RELEVANT TO QUESTIONABLE PAYMENTS.

3. ONE AREA NOT COVERED BY THAT AIRGRAM WAS THE ISSUE OF POLITICAL CONTRIBUTIONS. THE MAJOR LAW IN THIS FIELD IS THE 1964 "LAW ON POLITICAL PARTIES, PUBLIC MEETINGS AND MANIFESTIONS". (72-45 25, SECTION 4 OF THIS LAW STAES THAT POLITICAL PARTIES ARE PROSCRIBED FROM ACCEPTING CONTRIBUTIONS FROM PUBLIC ENTITIES, FORENN COMPANIES AND BRANCHES OF FOREIGN COMPANIES, COMPANIES DEPENDENT UPON PUBLIC WORKDS, AND FROM FOREIGN GOVTS OR FOREIGN POLITICAL ORGANIZATIONS. EMBASSY WILL POUCH A COPY OF THIS LAW TO L/PM.  
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## Message Attributes

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**TAGS:** PGOV, PFOR, VE  
**To:** STATE  
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